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OFFICE OF PETITIONS

FOLEY & LARDNER LLP
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In re Patent of Altenschopfer et al. : DECISION ON REQUEST FOR
Patent No. 7,608,282 : RECONSIDERATION OF
Issued: October 27, 2009 : PATENT TERM ADJUSTMENT
Application No. 10/544,259 : AND NOTICE OF INTENT TO ISSUE
Filed: December 9, 2005 : CERTIFICATE OF CORRECTION
Atty Docket No. MARKS0801 :
(041376-0801) :

This is a decision on the renewed petition filed November 18, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by three hundred fifty-three (353) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by three hundred fifty-three (353) days is **GRANTED to the extent indicated herein**.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on August 6, 2008 and ends on November 5, 2008, the day before the RCE was filed, and is 92 (not 93) days. *See* 35 U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 352, not 353 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under 37 CFR 1.136.

Pursuant to patentees' authorization, the \$200.00 fee set forth in 37 CFR 1.18(e) will be charged to deposit account no. 19-0741. This fee is required and will not be refunded. No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred fifty-two (352) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,608,282 B2

DATED : **October 27, 2009**

DRAFT

INVENTOR(S) : Peter Altenschopfer et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 260 days

Delete the phrase "by 260 days" and insert – by 352 days--